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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 GEOFFREY ROBERT LAWSON,

7 Plaintiff,

8 v.

9 OCWEN LOAN SERVICING, LLC, et
10 al.,

11 Defendants.

CASE NO. C10-5481BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
COMPEL

12 This matter comes before the Court on Defendant Ocwen Loan Servicing, LLC's
13 ("Ocwen") motion to compel (Dkt. 78). The Court has reviewed the brief filed in support
14 of the motion and the remainder of the file and hereby grants the motion for the reasons
15 stated herein.

16 **I. PROCEDURAL HISTORY**

17 On July 21, 2010, Plaintiff Geoffrey Robert Lawson ("Lawson") filed his second
18 amended complaint. Dkt. 10. On September 24, 2010, Defendants Morgan Stanley Dean
19 Witter Capital I Inc Trust 2001-NC3, Ocwen FSB, Ocwen Financial Corporation, and
20 Ocwen filed a motion to dismiss. Dkt. 25. Quality Loan Services Corporation of
21 Washington joined in the motion to dismiss. Dkts. 27 & 28. On February 10, 2011, the
22 Court granted in part and denied in part the motion. Dkt. 49.

23 On May 31, 2011, Lawson filed a Third Amended Complaint against Defendants
24 Ocwen; Ocwen FSB; Ocwen Financial Corporation; Ocwen; New Century Mortgage
25 Corporation; Morgan Stanley Dean Witter Capital I, Inc. Trust 2001-nc3, Mortgage
26 Pass-through Certificates, Series 2001-nc3; Regional Trustee Services Corporation;
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1 Quality Loan Services Corporation of Washington; Assignees; Affiliates and
2 Representatives. Dkt. 62.

3 On November 21, 2011, Ocwen filed a motion to compel. Dkt. 78. Lawson did
4 not respond.

5 **II. DISCUSSION**


6 As a threshold matter, the Court may consider failure to respond to a motion as an
7 admission that the motion has merit. Local Rule 7(b)(2). Lawson did not respond to
8 Ocwen's motion. Therefore, the Court considers Lawson's failure as an admission that
9 Ocwen's motion has merit.

10 A Court may order appropriate sanctions for a party's failure to produce
11 documents or attend a deposition. Fed. R. Civ. P. 37. In this case, Ocwen asserts that
12 Lawson has failed to both respond to requests for production and attend his deposition.
13 Lawson failed to respond to these assertions. Therefore, the Court grants Ocwen's
14 motion and orders Lawson to respond to Ocwen's discovery requests. Failure to comply
15 with this order may result in further sanctions, including dismissal of the claims.
16

17 **III. ORDER**

18 Therefore, it is hereby **ORDERED** that Ocwen's motion to compel (Dkt. 78) is
19 **GRANTED**. The Court requests a status report regarding compliance with this order no
20 later than January 13, 2012.

21 DATED this 20th day of December, 2011.

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24 BENJAMIN H. SETTLE
25 United States District Judge
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